

ATTORNEY DOCKET NO. 13172.0015U1
Application No. 10/072,666

Remarks

Claims 1-138 are pending. Claims 137 and 138 have been withdrawn from consideration as being drawn to a non-elected invention.

Double Patenting Rejection

Claims 1-136 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-72 of U.S. Patent No. 6,531,283 to Kingsmore et al. in view of Baner et al. (Nucleic Acids Research, Vol. 26, 922 pages 5073-5078 (1998)). Applicants respectfully traverse this rejection.

Applicant submits with this Amendment a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c) relative to U.S. Patent No. 6,531,283. It is believed that this obviates the present rejection pursuant to M.P.E.P. § 804.02.

Pursuant to the above remarks, reconsideration and allowance of the pending application is believed to be warranted. The Examiner is invited and encouraged to directly contact the undersigned if such contact may enhance the efficient prosecution of this application to issue.

No fees are believed due. However, the Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

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